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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/603,540	06/25/2003	Joseph E. Harter JR.	DP-309154	4068

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DELPHI TECHNOLOGIES, INC.
M/C 480-410-202
PO BOX 5052
TROY, MI 48007

EXAMINER

PERKEY, WILLIAM B

ART UNIT	PAPER NUMBER
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2851

DATE MAILED: 06/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/603,540

Applicant(s)

HARTER ET AL.

Examiner

William B. Perkey

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-7,9-17,19 and 20 is/are rejected.
- 7) ☒ Claim(s) 8 and 18 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 June 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>11/28/03</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-3, 6, 11 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Watts (U.S. Patent No. 1,655,850).

Watts discloses a first reflector as 6 and 7; a second reflector as 16; a third reflector as 17; and a camera 1. Watts further discloses first and second actuators 30 as described on page 2 from line 45 to line 70.

3. Claims 12, 13, 15 and 1-4, 10, 11 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Suzuki et al. (Patent Application Publication 2002/0021354 A1).

Suzuki et al., in Fig. 1 shows a first reflector 4 movable between a first and second position; a second reflector 22; a third reflector 23; a camera 9; and a processing unit 10. The displacement of the mirror 4 to selectively receive the image from the first or second reflector inherently requires an actuator.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Suzuki et al. (Patent Application Publication 2002/0021354 A1) as applied to claim 12 above, and further in view of Ogino (U.S. Patent No. 6,861,140 B2).

Suzuki et al. shows the claimed invention, as explained above, except for actuators for the second and third reflectors. Ogino discloses actuators 9a, 9b for second and third reflectors 107 and 112. It would have been obvious to one of ordinary skill in the art, at the time of applicant's invention, to provide the stereo image device of Suzuki et al. with actuators for the second and third reflectors 22 and 23 in order to obtain variable angles of view.

6. Claims 5, 7, 14, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over the references as applied to claims 1 and 12 above, and further in view of Brown (U.S. Patent No. 6,809,451 B1).

The claimed invention is met by the references as applied above, except for the actuator is a galvanometer. Fig. 9 of Brown shows a mirror actuated by a galvanometer motor. It would have been obvious to one of ordinary skill in the art, at the time of applicant's invention, to use conventional galvanometer motors as the actuator for the first, second and/or third mirrors of the primary references as galvanometers in order to reduce the cost of the device.

7. Claims 9 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over the references as applied to claims 1 and 12 above, and further in view of Miller (U.S. Patent No. 4,093,364).

The claimed invention is met by the references as applied to claim 1 and 12 above, except for the apparatus coupled to a motor vehicle. Miller shows a camera mounted in a motor vehicle. It would have been obvious to one of ordinary skill in the art, at the time of applicant's invention,

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to mount the stereo camera of Watts or Suzuki et al, in a motor vehicle in order to obtain images as seen from the vehicle.

Allowable Subject Matter

8. Claims 8 and 18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Telephone Numbers

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William B. Perkey, whose telephone number is (571) 272-2126. The examiner can normally be reached on Monday-Thursday 7:00am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Nguyen can be reached on (571) 272-2258. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



William B. Perkey
Primary Examiner
Art Unit 2851

WBP:wbp

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William B. Perkey
Primary Examiner
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